

The newly added claims are even more clearly distinguished from the '285 patent.

Applicant respectfully submits that the compositions of the newly added claims are in no way taught or suggested by the '285 patent. The compositions have now been claimed in a manner that makes this fact much more clear, and in a way that removes the open-ended language that concerned the Examiner in the previous Office Action. The Examiner is respectfully requested to consider the differences between the claimed inventions and the disclosure of the '285 reference.

The claimed compositions contain a total of about 35% oils (Claim 52). In contrast, the formula of Table 7 of the '285 patent contains 153 pounds of oils in a total of 1700 pounds materials, so that the oils constitute only about 9% of the formula, or approximately $\frac{1}{4}$ as much as in the claimed compositions. The '285 patent thus cannot anticipate claim 52.

In addition, in preferred embodiments of the claimed compositions, about 57% of the total oil is concentrated borage oil and about 43% is concentrated marine oil (Claim 53). In contrast, the formula in Table 6 indicates that the fish and borage oils are each 5-30 percent of the total oil blend and preferably 20 percent. Thus the oil blend portion of the formulas of the '285 patent do not anticipate the oil portion of the claimed compositions.

Turning to the individual oils in the claimed formulations, the marine oil is about 15% and the borage oil is about 20% of the total composition. In contrast, the composition shown in Table 8 of the '285 patent contains 30.6 pounds each of fish and borage oils in a 1700 pound batch, or about 1.8% of each. The '285 patent, thus does not anticipate any of claims 52-55.

Examiner's attention is also drawn to the flavoring component of the composition of claim 52. Nowhere does the '285 describe a formula with 15% flavoring agent. The only

flavoring found by application is the vanilla in Table 8, present at only 0.11%. The claimed compositions are thus even further distinguished from the '285 patent.

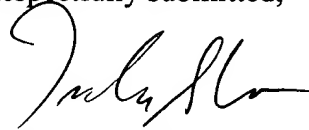
Neither does the disclosure of the '285 patent suggest the claimed formulas, primarily because they have different purposes. For example, the claimed compositions are intended to be "off the shelf" dietary supplements to reduce inflammation symptoms, while the compositions of the '285 patent appear to be intended to be a complete diet for critically ill patients. There is no way these are equivalent compositions. Even if the Examiner were to take the position that the oil blends themselves are somehow equivalent, which they are not, one component cannot anticipate the entirety of the claimed compositions.

There is no suggestion in the '285 patent that the formulas could be changed to provide a more concentrated oil portion in order to reduce inflammatory symptoms, nor any suggestion that 150 times more flavorant is required to mask the taste of concentrated fish oil. This is a problem not anticipated, nor suggested by the '285 patent. Nor was it a trivial problem to overcome during the discovery of the claimed invention. The Examiner has thus failed to make any *prima facie* case of obviousness, nor does there appear to be any grounds for such a case in the cited art.

For the stated reasons, the present claims can in no way be said to be taught or suggested by the '285 patent. It is Applicant's belief that the newly added claims are in condition for allowance and such favorable action is respectfully requested.

If the Examiner has any questions or suggestions that would help the present application proceed more quickly to allowance, a telephone call to the undersigned is earnestly solicited.

Respectfully submitted,



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